

International Law

The Use of Force Activity for Chapter Ten
Ole J. Forsberg, Ph.D.

Do not forget that when specific states are mentioned, you need to take into consideration historical (and current) events in your analysis. Please read the following scenarios carefully. While reading them, in your notes, write down the facts you think are important in deciding the case. Make a list of facts not provided that you think may be important in deciding the case. Finally, decide the case as an instance of International Law.

1. In 2007, the Federal District Court for the District of New York heard a case by ExxonMobil against the Venezuelan petroleum company, PDVSA. The issue at hand was the seizure of ExxonMobil's assets in Venezuela as a result of Hugo Chávez nationalizing a joint oil project. (There are nuances to the actualities of the situation, but they are irrelevant for this exercise.) The Federal Judge found in favor of ExxonMobil. As a result, \$300 million in Venezuelan assets were frozen. That was reality.



Let us now pretend: Venezuela stopped shipping petroleum to the United States. Chávez stated in a press conference last week that, because of the District Court ruling, PDVSA would no longer ship petroleum to the United States. Is Venezuela's act defined as aggression with respect to the United Nations General Assembly Resolution 3314 (1974)?

2. In 1973, the world was divided between the Soviet sphere and the US sphere. The Western Hemisphere was solidly in the US sphere of influence, except for Cuba, and we were actively dealing with Cuba. Chile's president, Salvador Allende, was slightly left of center, and the United States supported



opposition candidates through money and propaganda ads. The United States cut off most of its foreign aid to Chile and actively supported Allende's opponents in Chile during his presidency, intending to encourage Allende's resignation, his overthrow, or his defeat in the impending election of 1976. The coup came before the election. Ostensibly, the United States did not directly assist the coup; however, we were not too unhappy that it took place. That was reality.

Let us now pretend that the United States did not assist the coup. Were the rest of our actions towards Chile aggression?

3. Take the reality from Problem Two. Let us now pretend that we actively supported the coup with cash. Would that be defined as aggression?

4. Let us pretend that Iran now has a nuclear weapon and a missile able to send it 250 miles. Does the United States have the right, under international law, to preventatively attack Iran and destroy its nuclear program?



5. Let us pretend that Iran now has a nuclear weapon and a missile able to send it 250 miles. The Iranian president has stated on several occasions that he wants to destroy all apostate regimes in the Middle East. Such regimes include every state there except for Saudi Arabia and Bahrain. Does the United States have the right, under international law, to preventatively attack Iran and destroy its nuclear program?